



**TESTIMONY OF THE CENTER FOR CHILDREN'S ADVOCACY  
IN SUPPORT OF RAISED S.B. 1093, WITH PROPOSED AMENDED LANGUAGE,  
AND RAISED H.B. 6758:**

March 1, 2023

Representative Currey, Senator McCrory, Representative McCarty, Senator Berthel, and distinguished members of the Education Committee:

This testimony is submitted on behalf of the Center for Children's Advocacy (CCA), a state-wide public-interest law firm representing Connecticut's most vulnerable youth. I have been an attorney with CCA since 2009, representing Bridgeport clients in educational advocacy cases until 2020, when I co-founded the Medical-Legal Partnership at the Yale Child Study Center (YCSC). I serve the clients of the YCSC, working to reduce their health-harming legal needs, such as education barriers, benefits access, child welfare issues, juvenile justice issues, housing barriers, and more.

**Exclusionary Discipline**

Over the past 15 years, we have made solid progress in educating people about the harmful and ineffective use of exclusionary discipline. In 2007, the CGA passed a law reducing the use of out-of-school suspension.<sup>1</sup> In 2015, CCA lead the effort to pass Public Act 15-96, which narrowed the ability to use exclusionary discipline for our youngest learners<sup>2</sup>. However, while Connecticut has made positive strides, our job is far from done.

My client's story:

*Jayden is a 5-year-old kindergarten client with Autism, attending school in an overly-crowded and under-resourced district. His mother, Jessica, has been called by Jayden's school an average of three times per week because of the staff's inability to manage Jayden's behavior. Jessica is pressured to pick Jayden up every time.*

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<sup>1</sup> Public Act 07-66

<sup>2</sup> Unfortunately, at the last minute an exception was added to the ban on exclusionary discipline for young children "for conduct of a sexual or violent nature" (Conn. Gen. Stat. 10-233c (g)(2)). We remain in strong opposition to this developmentally-inappropriate language, and feel it is harmful to our understanding of young children and their behavioral challenges.

*Jayden's record says nothing about a suspension, yet Conn. Gen. Stat. 10-233c states that any exclusion for more than 90 minutes is to be considered a suspension.*

Jayden's story illustrates a few things:

1. The data we are lauding is not accurate. Officials continue to state that our rates for preschool through grade two have dramatically dropped. Have we reduced the use? Yes.<sup>3</sup> But is the reduction as dramatic as we claim? Not at all. Not a single time that Jayden's mom was called to pick up Jayden was documented (through the ED 166<sup>4</sup>) as a suspension. This is extremely common for the clients that I serve, particularly for the youngest children who are still being pushed out of school at an alarming pace.
2. The disproportionality of the kids that are still being suspended or expelled remains stark.<sup>5</sup> Even though our rates of suspension and expulsion have dropped overall, the fact remains that while 1 out of every 34 white students is suspended or expelled, 1 out of 14 Latinx/o/a students and 1 out of 10 Black students face the same sanction.

How will this bill address these issues?

1. Require districts with high/disproportionate discipline rates to develop and submit a "response and improvement plan" to SDE and to the Education Committee (Sec. 1).
2. Increase SDE staffing specifically to work with these plans. Currently SDE is extremely understaffed, due to a wave of retirements and other factors. SDE needs to have adequate person-power to be able to monitor and enforce the requirements around exclusionary discipline (Sec. 2).
3. Class-size caps (Sec. 3). **This provision could be the most important game-changer in reducing school discipline** (not to mention the academic benefits). Further, this provision would greatly increase staff morale and retention, which is even more critical given the urgent school staffing shortage. Studies even show that increasing staff satisfactions leads to less-discriminatory discipline outcomes for students.<sup>6</sup>
4. Developing an advisory committee (Sec. 7), much the one CCA has been part of with the JJPOC over the past two years. There is much more work to do, and a diverse group of stakeholders—including educational advocates for underserved children like CCA—needs to continue to work together to make it happen.

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<sup>3</sup> [2020-21 Report on Student Discipline in Connecticut Public Schools](#), CT State Department of Education, April 6, 2022, to the CT State Board of Education, pg. 16.

<sup>4</sup> The ED 166 is the Student Disciplinary Offense Data Collection, which is documented using a form of the same name: [ED166 Help Site \(ct.gov\)](#).

<sup>5</sup> [2020-21 Report on Student Discipline in Connecticut Public Schools](#), CT State Department of Education, April 6, 2022, to the CT State Board of Education, pg. 1.

<sup>6</sup> Preschool Implicit Policy Brief, Yale Child Study Center, Walter Gilliam, Sept. 28, 2016: [preschool implicit bias policy brief final 9 26 276766 54643 v1.pdf \(yale.edu\)](#)

## **Proposed Amendment:**

Our JJPOC committee was composed of a diverse group of stakeholders that spent many hours developing and debating the JJPOC recommendations encompassed in this bill. Despite CCA’s efforts, and those of some partners, we were not able to convince the group to repeal the “violent or sexual nature” language in 10-233c. Therefore, our proposed amendment to Sec. 7 would be to lines 131 & 132:

providing evidence-based and developmentally appropriate language ~~and examples of conduct that is of a violent or sexual nature~~ to substitute for “conduct of a violent or sexual nature.”

We are not in favor of providing examples or defining these incredible detrimental and inappropriate terms in reference to preschoolers and young elementary students. We want these terms completely removed and repealed *or* at the least, substituted.

## **Alternative Educational Opportunity Data**

All school districts that expel kids should have to report on what educational programs they are offering expelled kids and what their *outcomes* are. While SDE convened a group to create guidance around AEOs pursuant to Public Act 15-33, the legislation did not require districts to report data on these programs. This dearth of information prevents us from determining how children are faring in these programs, and if school districts are holding up their legal duty to adequately educate students in AEOs. Sec. 6 of this bill remedies this issue, requiring AEOs to report on disciplinary sanctions, credits that students earn, and the ways in which they meet the SDE standards (adopted by the SBOE) for such programs. We would however, urge an amendment to this section that *requires all districts that expel five or more students* to report on the AEOs they are providing their expelled students.

## **Bullying & Teen Dating Violence Training**

Unfortunately, as educational attorneys, we continue to see the rise in instances of bullying—as well as an increase in frequency, severity, and bullying based on protected class basis (race/ethnicity, gender/gender expression, LGBTQ+ status, disability status). With the increase in access to social media, and the isolation and decline in mental health from pandemic experiences, children are more susceptible now than ever to committing, and being the target of, relational aggression. While Connecticut continues to work to refine its statutes and policies around this issue,<sup>7</sup> we strongly support more training for school staff regarding effective prevention and intervention strategies.

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<sup>7</sup> Recent Changes to the School Anti-Bullying Law, Office of Legislative Research, John D. Moran, December 15, 2021: [Recent Changes to the School Anti-Bullying Law \(ct.gov\)](https://www.ct.gov/olr/research/research-reports/2021-2022/2021-2022-research-reports-released/2021-2022-research-reports-released-12-15-2021)

## **RAISED HOUSE BILL 6758**

Sec. 1 of this bill is incredibly important. As an attorney who has filed three systemic complaints over the past 10+ years against Bridgeport Public Schools, I have seen firsthand how the lack of staffing at SDE has directly affected the kids we serve. Though our complaints have largely been “successful,” in that SDE has agreed with our allegations and has written thoughtful corrective action, none of them have produced the measure of change that the districts sorely needed. Much of this is due to SDE’s inability to adequately monitor and enforce the implementation of the corrective action ordered.

For example, our 2013 complaint addressed BPS’ inadequate in-district special education programs, and ordered quality standards. Our 2015 complaint addressed BPS’ widespread failure to comply with Child Find, and ordered procedural changes. Our 2021 complaint outlined the extreme staffing shortage and its direct impact on students with disabilities—even before the pandemic made this a statewide issue. SDE ordered an ongoing process to keep track of and remedy the result of this shortage.

Not one of these complaints’ resolutions has been properly shepherded by SDE. Unfortunately, school districts know this and it has eroded the credibility of SDE to fulfill their obligation to ensure every student’s constitutional right to an adequate education. We urge you to pass H.B. 6758 so that SDE can thoroughly implement their expertise on behalf of our most vulnerable students.

Thank you for your time and attention, and please support S.B. 1093 & H.B. 6758.

Please feel free to reach out with any questions or comments.

Respectfully submitted,

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